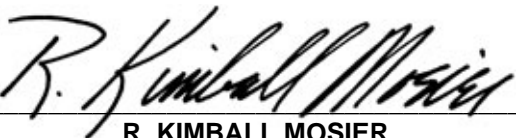


The below described is **SIGNED**.

Dated: March 01, 2011


R. KIMBALL MOSIER
U.S. Bankruptcy Judge



Prepared and submitted by:

Michael N. Zundel (#3755) mnz@princeyeates.com

Tyler O. Waltman (#13106) tow@princeyeates.com

PRINCE, YEATES & GELDZAHLER

A Professional Corporation

175 East 400 South, Suite 900

Salt Lake City, UT 84111

Telephone: (801) 524-1000

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
Central Division

In re:

C.W. Mining Company, dba Co-Op
Mining Company,

Debtor.

Kenneth Rushton, Trustee,

Plaintiff,

vs.

Intermountain Electronics, Inc. of Price,
Utah, and SMR of Utah, Inc. dba
Intermountain Electronics and
Communications,

Defendants.

Bankruptcy Case No. 08-20105 RKM
(Chapter 7)

**ORDER GOVERNING
SCHEDULING AND OTHER
PRELIMINARY MATTERS**

Adversary Proceeding No. 10-2797

This matter came on for an initial pretrial conference before the Court on March 8, 2011 where the parties were represented by counsel. This Adversary Proceeding having been consolidated with Miscellaneous Adversary Proceeding 11-08002 to resolve issues relating to ownership of coal mined by the Debtor and Miscellaneous Adversary Proceeding 11-08003 to resolve relating to tracing; and good causing appearing therefore;

IT IS HEREBY ORDERED that:

1. **JURISDICTION:** The jurisdiction of the Court is properly invoked under 28 U.S.C. § 1334. This is a core proceeding within the meaning of U.S.C. § 157(b)(2). The jurisdiction of the Court is not disputed and is hereby determined to be present.

2. **VENUE:** Venue is laid in the United States Bankruptcy Court for the District of Utah, Central Division.

3. **SCHEDULING GOVERNED BY CONSOLIDATION ORDERS IN MISCELLANEOUS ADVERSARY PROCEEDINGS 11-08002 AND 11-08003.**

Until issues relating to coal ownership and tracing are resolved by Court order, this Adversary Proceeding shall abide and be governed by the deadlines set forth in:

a. the *Order Consolidating Adversary Proceedings for Hearing and Trial and Ordering a Separate Trial on Issues Related to Proceeds of Coal Mined by C.W. Mining Company* (Misc. Adv. Proc. 11-08002, Dkt. No. 1); and

b. the *Order Consolidating Adversary Proceedings for Hearing and Trial and Ordering a Separate Trial on Issues Related to Tracing Issues* (Misc. Adv. Proc. 11-08003, Dkt. No. 1).

4. **SCOPE OF DISCOVERY:** Unless and until the Court orders otherwise, the parties shall limit the scope of discovery to issues relating to tracing until February 12, 2013. If, prior to February 12, 2013, either party believes discovery beyond this limited scope is needed, such party can request leave of the Court to expand the scope of the same.

5. **PROCEDURE AFTER COAL OWNERSHIP AND TRACING ARE RESOLVED:** Within 45 days after issues relating to coal ownership and tracing are resolved, the parties shall file a new proposed scheduling order with suggested dates, motion to dismiss, or motion to approve settlement agreement, as appropriate.

6. The schedule embodied herein shall not be altered except for good cause and upon approval of the Court.

End of Document

CLERK'S CERTIFICATE

I hereby certify that on the ____ day of November, 2010, I electronically filed the foregoing using the CM/ECF System, which sent a notice of electronic filing to all parties whose names appear on the electronic mail notice list for this case.

Clerk of the United States Bankruptcy
Court

ORDER SIGNED